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Attorneys for Plaintiff NetChoice, LLC

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

NETCHOICE, LLC,

Plaintiff,

v.

**SEAN D. REYES, in his official
capacity as Attorney General of Utah,**

**KATHERINE HASS, in her official capac-
ity as Director of the Division of Consumer
Protection of the Utah Department of
Commerce,**

Defendants.

**DECLARATION OF ALEXANDRA N.
VEITCH IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNC-
TION**

Case No. _____

I, Alexandra N. Veitch, declare as follows:

1. I am the Director of Public Policy for the Americas at YouTube. As part of my role, I lead a team that monitors and assesses the U.S. legislative and regulatory landscape, including policy proposals and legislation, such as the Utah Social Media Regulation Act (“the Act”) that would affect YouTube’s ability to provide services and content to users¹ in Utah—and perhaps worldwide. My team also leads external advocacy for YouTube’s policies and practices with government leaders and policy stakeholders, advises the company on public policy issues as it relates to online, user-generated content, and represents the company in public policy forums, across a broad region.

2. I submit this declaration in support of Plaintiff’s Motion for Preliminary Injunction. I am over the age of 18 and am competent to make the statements herein. I have personal knowledge of the facts set forth in this declaration and, if called and sworn as a witness, could and would competently testify to them.

3. YouTube is an online service that allows users to create, upload, and share videos with others around the world. YouTube strives to be a community that fosters self-expression on an array of topics as diverse as its user base, and to nurture a thriving creative and informational ecosystem.

4. YouTube is owned and operated by Google LLC, which is a member of NetChoice, LLC. People in Utah use YouTube’s services.

¹ I understand that the Act distinguishes between “users” and “account holders.” See Utah Code § 13-63-101(1), (11). This declaration will use the term “user” to encompass both statutory terms.

5. I understand that Google and YouTube are likely subject to the Act, as one or both are “social media companies” that own and operate a “social media platform” as defined by the Act. *See* Utah Code § 13-63-101(9)-(10).

I. YouTube’s Principled Approach to Minors and Responsibility

6. On YouTube, “[c]hildren and teenagers today can access a world of possibilities”: “Whether it’s exploring important topics around the world or looking up a video to help with algebra homework, they’ve never known a reality without this world at their fingertips.” Neal Mohan, *YouTube’s Principled Approach For Children and Teenagers*, YouTube Official Blog (Oct. 16, 2023), <https://perma.cc/74SS-S6YL> (“Mohan, *YouTube’s Principled Approach*”). We believe that “[f]amilies everywhere deserve the same safe, high quality experience online, no matter where they live. And all children and teenagers ought to have the same access to the opportunities the internet provides.” *Id.*

7. YouTube has invested, and continues to invest, immense resources in developing and fostering age-appropriate services, features, policies, and content for its users. Five principles guide YouTube’s approach to minors:

- “The privacy, physical safety, mental health, and wellbeing of children and teenagers require special protections online”;
- “Parents and caregivers play an important role in setting the rules for their family’s online experiences, particularly for the youngest children”;
- “All children and teenagers deserve free access to high quality and age appropriate content that meets their individual interests and needs”;
- “The developmental needs of children differ greatly from those of teenagers and should be reflected in their online experiences”;
- “With appropriate safeguards, innovative technologies can benefit children and teenagers.”

Id.

8. Our Youth Principles are just one part of the work we do to foster a vibrant, safer, and open community for users. To successfully support this community, YouTube must constantly balance disseminating a wide range of user-generated content against addressing objectionable and harmful speech. On one hand, the Internet is a force for creativity, learning, and access to information. The world is a better place when we listen, share, and build community through our stories. We strive to empower users to access, create, and share information. We believe that a free flow of ideas fosters opportunity, community, and learning, and enables diverse and authentic voices to break through.

9. But on the other hand, an open Internet provides challenges. Bad actors exploit the Internet, including YouTube, for their own personal gain or for purposes of causing harm, even as we invest in the policies and systems to stop and deter them. Objectionable and harmful content on our website also makes YouTube less open, not more, by creating a space where creators and users may not feel safe to share. We believe that, in order to have and protect openness, a service should attempt to strike the right balance between fostering freedom of expression and decreasing the likelihood that users will encounter harmful content on our service.

10. In fact, working to keep harmful and illegal content off our services is core to the work of many different teams across Google and YouTube. When it comes to the information and content on our services, we discharge that responsibility based on clear, transparent policies and processes.

A. YouTube's Age-Appropriate Experiences and Policies for Minors

11. YouTube has a wealth of highly valuable and enriching content, providing users—minors and adults alike—with a wide array of news, educational content, and entertainment. Users

can engage with the political issues of the day or centuries-old art and literature, and everything in between.

12. YouTube has long invested in research, policies, and practices to offer age-appropriate ways for minors to explore, learn, and participate in the online world. Such efforts are designed to prioritize our youngest users' wellbeing. We also provide tools and guidance that offer every family flexibility to choose the right experience for them, enabling them to create healthy, positive digital habits at home, and at school. We believe that appropriate safeguards can empower young people and help them learn, connect, grow, and prepare for the future. Accordingly, we invest in age-appropriate services and features that align with children's and teens' developmental stages and needs; offer tools that give families the flexibility to manage their relationships with technology; implement policies, protections, and programs that aim to increase online safety for children and teens; and provide resources that teach the fundamentals of digital citizenship and media literacy to allow for confident, safer online exploration.

13. We also prioritize making robust resources and guides available for children, teens, and their parents so they can better understand YouTube's services. *E.g.*, YouTube Help, Understand Your Choices as a Family, <https://perma.cc/R3KW-U6QM>; YouTube Help, What is a Supervised Experience on YouTube?, <https://perma.cc/93PM-U872> ("YouTube Help, What is a Supervised Experience").

14. Users under the age of 13 are required to have a parent linked to their account who can help manage their child's YouTube experience. When a parent sets up their child's Google Account, they are given the option to either allow their child to only access YouTube Kids or to set up a Supervised Experience on YouTube. YouTube offers varying content levels and features

that align with kids’ and teens’ developmental stages and give families tools to supervise children’s use of the website. Developed in partnership with child development experts, these services and experiences reach more than 100 million active viewers every month:

a. **YouTube Kids:** YouTube’s standalone service “YouTube Kids” is a filtered version of YouTube built specifically to let children under the age of 13 explore age-appropriate content, with additional tools for parents and caregivers to moderate the content children see. YouTube Kids, Safer Experience, <https://perma.cc/UUC2-R7UP>. YouTube Kids features a carefully curated selection of “content that is age-appropriate, adheres to our quality principles, and is diverse enough to meet the varied interests of kids globally.” *Id.* YouTube works “with a variety of external specialists in child development, children’s media, and digital learning and citizenship” to determine what content should be available on YouTube Kids. *Id.*

b. **Supervised Accounts:** YouTube provides “supervised accounts” that are linked to parents’ accounts for children (up to relevant age of consent) whose parents decide their child is ready to explore some of YouTube’s vast universe of content. In these parent-managed accounts, “parents [can] select a content setting that limits the videos and music [their] children under 13 can find and play. Supervised accounts also change the features they can use, the default account settings, and the ads they see.” YouTube Help, What is a Supervised Experience. Further, when a parent creates a Google Account for their child with Family Link and uses YouTube’s Supervised Experience, parents and caregivers can set screen time limits on their Android device or Chromebook. Parents can set their child’s

Android device or Chromebook to lock after they have used it for a certain amount of time or when you think they need downtime.

15. YouTube also offers a suite of digital wellbeing tools that encourage children and teens to be mindful of their screen time. These include:

a. **Autoplay:** This feature is turned off by default for all users we know to be under 18 across all of YouTube's services, and parents can completely disable autoplay on YouTube Kids and YouTube's Supervised Experiences. YouTube Help, Parental Controls & Settings for Supervised Experiences on YouTube, <https://perma.cc/DB9F-RQS9>.

b. **Recommendations on YouTube for Teens:** We have updated our recommendation systems to ensure that teens on YouTube are not overly exposed to content that, while perhaps acceptable as a single video, could be problematic if viewed in high quantities. Through consultation with our Youth & Families Advisory Committee and with input from academic research, we defined categories of videos that could be problematic if viewed repeatedly by some young viewers. These content categories include (1) negative social comparison content including content that encourages altering physical features, body weight, or physique to obtain an idealized physical appearance; and (2) real world social aggression content, including real world physical intimidation or verbal altercation in confrontational situations. We have implemented guardrails for teens and tweens to limit repeated recommendations of videos related to these topics.

c. **"Take a Break" Reminders:** These reminders pause a video until a user dismisses or resumes playing the video. This feature is turned on by default for known minor users

and on Supervised Experiences. YouTube Help, Take a Break Reminder, <https://perma.cc/EXG9-49YN>.

d. **Bedtime Reminders:** Users can set a specific time to receive a reminder to stop watching YouTube and go to bed. This reminder is turned on by default for all users known to be under 18, including on Supervised Experiences. YouTube Help, Set a Bedtime Reminder, <https://perma.cc/3HMM-QGYL>.

e. **Built-In Timer:** Our built-in timer in YouTube Kids lets parents limit screen time by telling kids when it is time to stop watching. The timer will display a friendly alert and stop the app when the session is over. *See* YouTube for Families Help, Limit Screen Time on YouTube Kids, <https://perma.cc/BV7X-A8LW>.

B. Partnerships With Experts

16. YouTube has partnered with independent experts in fields like child development, emerging media, and digital wellbeing to create a set of best practices for kids and family content. *See* YouTube Help, Best Practices for Kids & Family Content, <https://perma.cc/KH36-UZYU>. These best practices help guide creators to create quality content that supports child development and wellbeing by promoting things like respect, healthy habits, learning and curiosity, play and imagination, and diversity. James Beser, *Enabling a High Quality Kids Experience & Helping Kids Creators Thrive on YouTube*, YouTube Official Blog (Dec. 16, 2022), <https://perma.cc/U5SA-KKP4>. They also help determine which content is included in YouTube Kids and which content is recommended in the main YouTube experience. Additionally, earlier this year, YouTube updated our Community Guidelines to update our approach to eating-disorder related content. Dr. Garth Graham, *An Updated Approach to Eating Disorder-Related Content*,

YouTube Official Blog (Apr. 18, 2023), <https://perma.cc/A3TX-QS8C>. This change was informed by independent experts such as the National Eating Disorder Association. Finally, YouTube's Youth and Family Advisory Committee also advises YouTube on the developmental stages of teens and how content consumed online can affect their wellbeing. James Beser, *Continued Support for Teen Wellbeing and Mental Health on YouTube*, YouTube Official Blog (Nov. 2, 2023), <https://perma.cc/2SDY-4RUR>.

C. YouTube's Minor-Specific Content and Safety Policies

17. YouTube strives to provide positive online experiences for our users, and that is especially true for children and teens. Over years, we have developed a robust set of policies and enforcement mechanisms to ensure that YouTube remains a welcoming community for our users. For minors specifically, that might require limiting their access to certain content—or developing different services that better reflect minors' needs.

18. YouTube has always maintained a set of Community Guidelines that outline categories of content that are not allowed on YouTube. These Guidelines apply to all types of content on our services, including videos, comments, links, thumbnails, video descriptions, stories, posts, live streams, playlists, external links contained in YouTube content (including clickable URLs or verbal directions to users to visit other sites), and any other user-generated content. Our Community Guidelines are a key part of our broader suite of policies, and we regularly update them to keep pace with emerging challenges. *See* YouTube, Community Guidelines,

<https://perma.cc/95NW-9DUY>. Our policies for prohibited or restricted content address a variety of issues, including:

- a. **Age-Restricted Content:** We age-restrict content that might not violate our Community Guidelines but that would otherwise be inappropriate for minors (*e.g.*, nudity, sexually suggestive content, violent content, vulgar language). YouTube Help, Age-Restricted Content, <https://perma.cc/H7EJ-4Q2G>. Age-restricted videos are not viewable to users who are known to be under 18 or any signed-out user.
- b. **Child Safety:** YouTube has a standalone “Child Safety Policy” that prohibits “[s]exually explicit content featuring minors and content that sexually exploits minors.” YouTube Help, Child Safety Policy, <https://perma.cc/QXX5-HCAR>. We report any content on YouTube that contains child sexual abuse material to the National Center for Missing and Exploited Children. *Id.* This policy also prohibits any content showing a minor participating in “harmful or dangerous acts” or that could encourage minors to participate in dangerous activities or shows any infliction of physical, emotional, or sexual abuse on a child; cyberbullying and harassment involving minors; and misleading family content that targets minors and families, but contains problematic content including, but not limited to, sexual themes, violence, and other inappropriate themes intended to shock young audiences. *Id.*

19. YouTube has also developed policies around “educational, documentary, scientific, and artistic content” (EDSA), dealing with topics that might otherwise violate our Community Guidelines. Michael Grosack, *A Look at How We Treat Educational, Documentary, Scientific, and Artistic Content on YouTube*, YouTube Official Blog (Sept. 17, 2020), [10](https://perma.cc/2XTS-</p>
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M9RV. Decisions about whether a piece of content qualifies for an EDSA exception “are nuanced and context is important.” *Id.* As an example, YouTube “do[es] not allow content targeting minors with insults or bullying, but [YouTube] may allow content that shows this as part of an educational anti-bullying campaign provided the minors are actors or their identity [is] hidden.” *Id.* “EDSA exceptions are a critical way we make sure that important speech stays on YouTube, while protecting the wider YouTube ecosystem from harmful content.” *Id.*

20. YouTube has developed robust means of addressing content that violates our policies. YouTube relies on a mix of human and automated effort to detect violative content and remove it. YouTube’s first line of defense is automated systems that are trained with machine learning and/or incorporate hash-matching technology to quickly identify and take action against violative content. YouTube also relies on global teams to review flagged content and remove it, restrict who can view it, or leave the content on the site if it does not violate any policies. YouTube employs expert teams around the world to investigate more sophisticated bad actors who are adept at circumventing automated defenses. YouTube, Information Quality & Content Moderation at 12, <https://perma.cc/UV4V-94GC>.

21. YouTube expends great effort and resources toward ensuring that objectionable and harmful content is removed before most users see it. In fact, the vast majority of violative videos are seen by fewer than 10 people. In the second quarter of 2023, approximately 40.7% of removed videos had no views before they were removed, and approximately 32.7% had between 1-10 views. *See* Google, YouTube Community Guidelines Enforcement Report – Removals, <https://perma.cc/SF3Y-62TV> (“Google, Community Guidelines Enforcement Report – Removals”). Over that same period, YouTube removed 7,365,556 videos. *Id.* YouTube has also created

a metric for determining what percentage of views on YouTube comes from content that violates our policies. This metric, known as the Violative View Rate (VVR), helps us measure our responsibility work. *See* Google, YouTube Community Guidelines Enforcement Report – Views, <https://perma.cc/PG6N-E2GP>. YouTube’s VVR is calculated by taking a sample of viewed videos to a team for review. The team then determines which videos in the sample violate our policies, and YouTube uses these decisions to estimate a violative view rate. *Id.* In the second quarter of 2023, YouTube estimated a 0.09-0.10% violative view rate. *Id.* This means that out of every 10,000 views on YouTube, 9-10 come from violative content. This is down by more than 85% when compared to the final quarter of 2017, in large part thanks to our investments in robust content moderation, including automated technologies and human review.

22. Our practices also involve taking action against users and channels that continue to upload violative content. A YouTube channel is terminated if it accrues three Community Guidelines strikes in 90 days, has a single case of severe abuse (such as predatory behavior), or is determined to be wholly dedicated to violating our guidelines (as is often the case with spam accounts). When a channel is terminated, all of its videos are also removed. In the second quarter of 2023, YouTube terminated 14,063,789 total channels. *See* Google, Community Guidelines Enforcement Report – Removals. The majority of channel terminations are a result of accounts being dedicated to spam (93.5%) or adult sexual content (4.4%) in violation of our guidelines. *Id.*

23. Our efforts are not limited to removing objectionable and harmful content in the videos uploaded on our site. They also extend to content like user-generated comments. In the second quarter of 2023, YouTube removed more than 767 million comments. *Id.* Approximately

99.3% percent of comments removed are first detected by YouTube’s automatic flagging system, and the majority of actions taken against comments (84.7%) is for spam. *Id.*

24. Enforcing our policies takes a tremendous amount of effort. YouTube’s global teams work tirelessly to remove content from YouTube that violates YouTube’s policies. There’s a long process that is designed to give our teams visibility into emerging issues before they reach, or become widespread on, our website. That valuable visibility is driven by our Intelligence Desk, a team within YouTube’s Trust & Safety organization. These specialized analysts identify trends—whether new vectors of misinformation or dangerous Internet challenges—and the risks they pose. They also regularly monitor ongoing threats like extremist conspiracy theories, both tracking their prevalence across media and evaluating how they morph over time. Our teams also work to provide appropriate age restrictions and other appropriate warnings on content.

25. YouTube has billions of monthly logged-in users, and over 500 hours of content are uploaded every minute by an extraordinarily diverse community of creators, who span more than 100 countries and 80 languages. On a daily basis, users watch more than a billion hours of video on YouTube and generate billions of views. *See* YouTube, Information Quality & Content Moderation at 1. And that is just videos.

26. Given the open nature and scale of YouTube and because bad actors are constantly refining how they evade detection, detecting violative content with perfect accuracy or upon the moment of upload presents significant challenges. *See id.* at 12. To combat new challenges and bad actors, YouTube must take a multi-faceted and nuanced approach to exercising its discretion in setting its content-moderation policies, working to distinguish among content that is truly objectionable or harmful, borderline content (which is content that comes close to violating, but does

not quite violate our Community Guidelines), and content that contributes positively to the YouTube community. To that end, we have a diverse set of tools to help us enforce our policies, including: appending warning interstitials for sensitive content, surfacing helpful resources for crisis management, and suspending and/or terminating channels or accounts. YouTube encourages creators to age-restrict content when appropriate. YouTube, Using Technology to More Consistently Apply Age Restrictions, <https://perma.cc/4A6K-DME3>. Additionally, YouTube’s Trust & Safety team uses machine learning and human review to apply age restrictions to content. *Id.* We also have other tools to help us provide authoritative information on our service—such as the use of information panels to show basic background information, sourced from independent, third-party partners, that give more context on a topic. For example, in partnership with third-party expert organizations and global experts in the space, we recently expanded our crisis resource panels to introduce a new “pause” page for queries related to suicide, self-harm, and eating-disorder topics that provides users with options for how to proceed before seeing search results related to these topics, which include selecting either contacting third-party crisis resource hotline partner for support or search for self-help tools, such as “self-compassion exercises” or “grounding exercises.” We further prioritize the recommendations of authoritative content and limit the spread of borderline content to users through recommendations. Because removing content is only one way of managing content, YouTube has chosen to develop and invest in this diverse set of tools that are essential in balancing free expression and responsibility on our website. Simply put, these tools give us broader and more tailored options than simply removing (or not removing) content from our website.

II. YouTube's General Operations

A. General

27. In addition to YouTube's general policies and minor-specific policies, services, and features, there are various functions that are necessary for YouTube's services and features to operate effectively for users.

28. **Collection and Use of Data.** Collecting and using some amount of data from all users is necessary for YouTube to provide users with useful, secure, and functional services.

a. Users provide limited information at sign up. For example, YouTube asks users for their date of birth, and users may voluntarily share their gender.

b. The data that users provide to YouTube while using the service is essential in helping YouTube improve users' experiences and customize its services for users. *See* YouTube Help, Understanding the Basics of Privacy on YouTube Apps, <https://perma.cc/5PML-UXG3>. Subject to the user's controls, this data (including a user's watch history) allows YouTube to personalize content recommendations and search results for a user. From the content-creator side, collecting data allows creators to see how their videos have performed, how much advertising revenue the videos have generated (and thus how much the creators are potentially entitled to, if applicable), and other metrics that help creators understand and better reach their audiences. YouTube also uses anonymized aggregated data to run diagnostics on the health of the YouTube app, fix bugs, and improve speed and performance. YouTube offers all users a wide range of tools to manage their personal information in their Google Account Activity settings and, for example, clear or pause the collection of watch or search history, or remove individual watch or search

entries. Further, as discussed in more detail below, we do not allow personalized ads for minors. Finally and importantly, YouTube does not sell users' personal information to anyone. When YouTube shows ads, advertisers pay for either the placement of an advertisement (for example, a banner at the top of a web page) or how an ad actually performs (for example, when someone clicks on it). Advertisers do not pay for personal information, such as a user's name or email, and YouTube never shares that information with advertisers, unless a user consents.

c. YouTube also allows users to indicate content that they do not want to see. For example, users may utilize the "dislike" tool as a way to limit content they do not want to see. For this tool to work, YouTube must collect and use the information that users provide.

d. YouTube also collects certain background information about, for example, a user's "device type," "operating system," "date," "time," and "IP address" to determine how to disseminate content to that particular user and to improve YouTube's services. *See* Google, Privacy & Terms, <https://perma.cc/Z4UE-SFDW>. Two-factor authentication via email or cell phone is a similar example.

e. Finally, we use collected information to help improve the safety and reliability of our services. This includes detecting, preventing, and responding to fraud, abuse, security risks, and technical issues that could harm YouTube, our users, or the public.

29. **Presenting Content.** YouTube is a video-sharing service. So we must decide how to present videos to users, and what tools and features to implement for users to interact with those videos.

- a. YouTube works to ensure age-restricted content is blocked for particular users. Age-restricted videos are not viewable to users who are under 18 years of age or signed-out. YouTube Help, Age-Restricted Content, <https://perma.cc/YX3U-64UX>.
- b. YouTube must decide whether a video player should be sized for mobile or desktop, whether or not video should be full screen, shown at a specific resolution, or appear by default with the sound on or off, among other things.
- c. YouTube also must decide whether and how to display thumbnails, information about creators, and information about views and subscribers, among other things.
- d. Subject to a user's controls, YouTube also collects data to know whether a user has previously watched a video so as to be able to provide more relevant and new results when the user searches for videos related to a similar subject.

30. **Organizing Content.** Separately from deciding how to present content, YouTube must also decide how to organize the countless videos that appear on its website. Without organization, a user would need to know a video's URL to access that video. For instance:

- a. YouTube organizes content on a "home" screen for the user.
- b. YouTube also organizes content by creator and topic.
- c. With over 500 hours of content uploaded to YouTube every minute, finding what a user needs would be nearly impossible without some help sorting through all the videos. YouTube's search ranking system does just that by sorting through a vast number of videos

to find the most relevant and useful results to the search query, and presenting them in a way that helps users find what they are looking for.

d. YouTube also allows creators themselves to organize content on their own pages. For example, creators can create “playlists” of specific videos.

31. **Interactive Features.** YouTube also permits users to interact with content on its website through certain features. For example:

a. YouTube provides creators the ability to allow users to comment directly on videos, and for replies to comments, allowing users to engage in discussions on a video.

b. Users can “like” videos, and YouTube shows the number of “likes” a video has gotten.

c. Users can also search for specific creators or content among the billions of videos on YouTube, and YouTube uses algorithms to determine which search results to display first.

d. Interactive features such as comments, “likes,” and search are core aspects of YouTube’s services, and they also require YouTube to make decisions about presentation and organization.

B. Advertising on YouTube

32. YouTube offers a free service and allows users 13 and older to sign up free of charge. YouTube also offers paid services through YouTube TV and YouTube Premium.

33. Advertising allows YouTube to remain a service free of charge for people of all socioeconomic backgrounds. “Advertising allows us to offer each child the same wealth of content,

no matter how much money their families do or don't have." Mohan, *YouTube's Principled Approach*.

34. For YouTube Kids and for anyone known to be under 18 on YouTube, we do not serve personalized ads based on a user's age, gender, or interests. *See* YouTube Help, How Ads Work on YouTube for Supervised Accounts and Content Set as "Made For Kids", <https://perma.cc/7CCE-8VEE> ("YouTube, How Ads Work"). In fact, in line with its existing policies, Google has called to "[b]an personalized advertising for children and teens." Google, Legislative Framework to Protect Children and Teens Online at 3, <https://perma.cc/SN7Y-L67S> ("Google, Legislative Framework").

35. Instead, YouTube publishes "contextual advertisements," which are based on certain information, including (1) "content being viewed"; (2) the "viewer's current search"; and (3) the "viewer's general location (such as city or state)," among other things. *See* YouTube, How Ads Work. YouTube has invested heavily in contextual advertising and uses machine learning to analyze each channel on YouTube and place ads accordingly. Contextual advertisements are useful for both businesses and consumers because they suggest products and services that are relevant to user preferences without processing user data.

36. YouTube offers creators an opportunity to promote their brands or advertise, and a way through its Partner Program for content creators to monetize the content they create and post in their accounts. YouTube Help, How to Earn Money on YouTube, <https://perma.cc/3SDL-KVEF>. Advertising revenue is important for the creator economy, supporting people's ability to create diverse and valuable content and make it available on YouTube. "There is a vibrant community of kids and family content creators that produce high quality content. And we want to make

sure that we're rewarding these creators and helping them grow and succeed on YouTube." James Beser, *Our Responsibility Approach to Protecting Kids and Families on YouTube*, YouTube Official Blog (Oct. 25, 2021), <https://perma.cc/YX42-TA35>. If creators, who spend substantial time and resources to create high quality content and information for their audiences, cannot economically support themselves and their efforts, the high quality, free content they create will no longer be available for teens and kids.

37. Many major brands use YouTube to promote their products and services.

38. As a video service, YouTube publishes a wide array of advertisements that draw interest for reasons beyond selling a product. Copies of decades-old advertisements, for example, are of interest to researchers. Some advertisements also draw interest for their creativity or humor. For example, a large number of "SuperBowl" advertisements are available on YouTube, going back for decades.

39. YouTube has a standalone set of policies governing the advertisements that users known to be under 18 can see on their accounts—which consider the developmental stages of children and teens and restrict ads that may not be suitable for younger audiences—and advertisements on YouTube more generally. *E.g.*, YouTube, How Ads Work. Further, YouTube advocates for, and is supportive of, industry standards to encourage the ads ecosystem to develop such advertising policies prohibiting ads personalization for users under the age of 18 based on a user's age, gender, or interests. Google, Legislative Framework

III. YouTube's Compliance Obligations Under the Act

40. Google and YouTube support regulations designed to protect the wellbeing of minors online while ensuring that users' rights to access speech are not impeded. *See generally*

Google, Legislative Framework. But the Act here is not well-suited to protect minors. It fails to take into account differences among online services, fails to take into account the differences among minors at different developmental levels, and ultimately will only impede minors' access to valuable speech online. Furthermore, it will discourage and stymie innovation that makes YouTube's services better for all. For example, by prohibiting "targeted or suggested posts," the Act would prevent YouTube from continuously iterating on its efforts to connect users to high quality content. Importantly, the restrictions in this law will significantly impede YouTube's ability to provide families with the flexibility needed to manage their unique relationships with technology, like providing effective default settings and tools that help families and minors engage with, and appropriately use, the services on YouTube.

41. The Act would also require YouTube to radically redefine how its services work and it fundamentally burdens and undermines YouTube's ability to operate responsibly, enforce important policies, and innovate and improve its services. Moreover, compliance with the Act would be enormously difficult, requiring large upfront investments and continuing maintenance in terms of time, engineering, and operations resources. Independently and in combination, therefore, compliance with these provisions would make it much more difficult for YouTube to offer its services to those in Utah—especially to those who are minors or adults unwilling or unable to provide documentation necessary for the age-verification process (as they would necessarily be denied access). Further, any YouTube services offered would be significantly degraded and not offer users the benefits of YouTube's current features. Below are examples of the burdens the Act would impose.

42. **Parental Consent.** I understand the Act provides that “social media company may not permit a Utah resident who is a minor to be an account holder on the social media company’s social media platform unless the Utah resident has the express consent of a parent or guardian.” Utah Code § 13-63-102(1). YouTube does not currently have the type of system in place that the Act contemplates to ensure that all Utah minors have parental consent to be a social media platform account holder (which would, of necessity, also require age verifying all users). Implementing such systems would significantly restrict, if not block entirely, access to information and services online. Moreover, the scope of this provision is unclear, because it is difficult to determine with accuracy which users are “residents” of Utah, as residency is based in part on individual intent. Thus, the provision poses a risk that we may have to obtain parental consent for individuals outside of Utah given the potential need to be overinclusive given the penalties associated with the Utah law. As we have said, legislatively mandating parental consent “could unnecessarily preclude some teens from accessing the basic benefits of the online world and have unintended effects on vulnerable youth.” Google, Legislative Framework at 2. Among other reasons, this is because some teens may have parents who are incapacitated, abusive, not proficient in English, not technologically savvy, or otherwise not available.

43. **Age Verification.** I understand the Act provides “a social media company shall verify the age of an existing or new Utah account holder and, if the existing or new account holder is a minor, confirm that a minor has consent as required under Subsection (1): (i) for a new account, at the time the Utah resident opens the account; or (ii) for a Utah account holder who has not provided age verification as required under this section, within 14 calendar days of the Utah account holder’s attempt to access the account.” Utah Code § 13-63-102(3)(a). YouTube does not

currently have systems in place that would allow us to verify the ages of its users to the level of certainty required by the Act, and developing and maintaining systems to perform this level of age verification would be highly complex, human-resource intensive, time consuming, and likely impede not only minors’ access to services and information, but adults’ access as well. The provisions of the Act will require YouTube to age verify not only children, but all Utah users on the service by providing sufficient proof to YouTube within 14 days or face suspension or termination of the account. As we have also publicly stated, age verification “require[es] more data collection and use, [and] restrict[s] adult users’ access to important information and services.” Google, Legislative Framework at 2. Thus, age verification will require YouTube to process additional information about users. Here, given the lack of a safe harbor with respect to age verification, and the inherent gaps in efficacy of lightweight methods of age verification, businesses will be incentivized or even compelled to resort to more intrusive methods of age verification, such as using facial recognition matching against government-issued IDs, to protect themselves against potential liability.

44. **Ban on Advertising.** I understand that the Act provides YouTube “shall prohibit the display of any advertising in [any] account . . . held by a Utah minor account holder.” Utah Code § 13-63-103(3). This will have broad effects on YouTube, its users generally, and its content creators. Restricting YouTube’s ability to advertise—particularly its ability to present contextual advertising to minor users—will have serious far-reaching impacts. It will make it extremely difficult to provide free services for everyone and it will remove any incentive for creators to develop quality educational or age-appropriate content, and therefore create a void of content that would otherwise be beneficial for our younger users. *See supra* ¶¶ 32-36. “High-quality content that helps children and teens learn, expand their interests, and find community should be universally

accessible to families, regardless of ability to pay.” Google, Legislative Framework at 4. Moreover, the scope of this provision would require YouTube to constantly monitor the content for advertisements. Because the Act prohibits “the display of *any* advertising,” Utah Code § 13-63-103(3) (emphasis added), it ostensibly extends to advertising in user-made videos or comments—like videos on history that include invitations to visit Colonial Williamsburg. Developing the capacity to proactively monitor every video a minor might see for anything that could be deemed an “advertisement” would require a large investment into new content-moderation tools and staffing that would necessarily need to apply across the entire service. Adding insult to injury, the Act’s overbroad prohibition of *all* advertising is unnecessary. As addressed above, YouTube already (1) does not publish personalized advertisements to minors, and thus “preserve[s] user privacy while supporting free-of-charge content for all users,” Google, Legislative Framework at 4; and (2) restricts the kinds of contextual advertisements that known minors can see on their accounts and “made for kids” content to age-appropriate advertisements, including by restricting advertisements for “Adult and sexually suggestive content,” “Alcohol / tobacco / recreational drugs,” “Body modification and weight loss,” “Contests and sweepstakes,” “Dating and relationships,” “Dangerous content,” and “Gambling and casino games,” among other things. Google Advertising Policies Help, Ad-serving Protections for Teens, <https://perma.cc/YL4G-LZ9V>. Thus, YouTube’s existing policies already serve the twin aims of limiting processing known minors’ personal information and ensuring that known minors see age-appropriate advertisements. So the Act can only serve to limit known minors’ access to high quality content and to limit the creation of that content.

45. **Ban on Targeted and Suggested Content.** I understand the Act provides that YouTube “shall prohibit the use of targeted or suggested groups, services, products, posts,

accounts, or users in the account.” Utah Code § 13-63-103(5). One of the core ways that we facilitate users’ access to relevant and valuable content is through recommended content. Every time a user opens YouTube’s home screen, that home screen recommends videos to the user. Likewise, search results default to the videos that are likely to be most useful to the user. YouTube’s “personalizing” of the content it disseminates to users has many benefits. In general, YouTube disseminates billions of videos, and only an exceedingly small handful of those videos will be useful or relevant to any one person accessing YouTube—who will have varied preferences and view histories. Personalizing the content presented to users allows those users to see the most relevant and useful content. Moreover, YouTube offers users the ability to further curate the content they see by providing a number of ways for them to both fine-tune their experience on the service. For example, as noted above, signed-in users can choose to “dislike” a video if they want to be shown less content of that type or tell us not to recommend a specific video or entire channel. YouTube has considered other forms of presenting content, but none allow YouTube’s service to be as useful or maintain the quality users expect. For instance, only showing users the most popular content would mean that less popular—but no less valuable or useful—content would be less visible on YouTube, driving away the audience and the creators of that more niche content, and perhaps having consequences for minority or diverse content. Likewise, an entirely search-based service would not present the same kind of useful content to users. And even search-based results must be sorted in some ways. Finally, relying on users’ self-declared interests (as compared to their revealed preferences through their usage history) would not allow YouTube to adjust for users’ actual view history or to identify specific areas of interest—*i.e.*, recommend videos about travel to medieval sites, and not just “travel” generally. None of these alternatives would allow YouTube

to point users toward high quality and developmentally appropriate content, and away from content that they do not want to see. Indeed, our recommendations system plays an important role in how we maintain a responsible and enriching service for younger users. For example, it helps to connect them to high quality “made for kids” content—informed by quality principles for kids and family content developed in collaboration with independent child development and digital wellbeing experts—that inspires curiosity, imagination, and creativity. It also minimizes the chances they will see low quality content.

46. **Limits on Data Collection.** I understand the Act provides that YouTube “shall not collect or use any personal information from the posts, content, messages, text, or usage activities of the account other than information that is necessary to comply with, and to verify compliance with, state or federal law.” *Id.* § 13-63-103(4). This requirement would have similarly broad effects on the services available to minors and would impede YouTube’s ability to provide useful services. The Act does not define “personal information,” and could encompass essential and basic information necessary to help ensure that age-appropriate content is served effectively, and even restrict the ability to serve wellness reminders to known minor users, as well as the ability to protect users against spam, fraud and abuse. *See supra* ¶ 28. In fact, this provision would be impossible to comply with for any business as it prohibits all data processing, and could prohibit even data processing necessary to offer the requested service or enable basic service functionality.

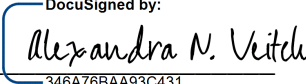
47. **Curfew Requirements.** I understand the Act provides that a “social media company shall prohibit a Utah minor account holder from having access to the Utah minor account holder’s account during the hours of 10:30 p.m. to 6:30 a.m., unless the access is modified” by a parent. Utah Code § 13-65-105(1). YouTube currently lacks the systems and tooling in place, even

for supervised accounts, to shut off access to its services for only Utah minor users during specific times of the day, and developing such systems would be costly. Importantly, restricting access will prevent minors from being able to access educational and helpful content, which may hamper their ability to complete school work. Because this curfew is based on the IP address of the user, the widespread availability of VPNs (allowing users to use IP addresses in other time zones) may render this curfew requirement ineffective.

48. In sum, if the Act takes effect on March 1, 2024, Google and YouTube will suffer irreparable harm in the form of astronomical compliance costs, diminished ability to provide valuable content to minors and adult users who are unable to properly verify their age, and ongoing regulatory uncertainty about whether its services comply with the Act's broad prohibitions.

* * *

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing to be true and correct to the best of my knowledge. Executed on DECEMBER 15, 2023, in WASHINGTON, D.C.

DocuSigned by:

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 ALEXANDRA N. VEITCH